

INDIANA BOARD OF ACCOUNTANCY
MINUTES
April 19, 2013

I. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Ms. Johnson, Chair of the Indiana Board of Accountancy, called the meeting to order at 10:09 am. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum in accordance with IC § 25-2.1-2-8.

Board Members Present:

Ms. Shelley Johnson, CPA, CGMA, Chair
Mr. Gregory Coy, CPA, Vice Chair
Mr. Timothy Deisher, CPA
Mr. John Kane, CPA
Mr. James O'Brien, CPA, Esq.
Mr. Randolph Holt, Esq.

State Officials Present:

Ms. Kate Lowhorn, Board Director
Ms. Jacque Retter, Assistant Board Director
Mr. Brian Cusimano, Compliance Director
Ms. N. Beth Line, Project Administrator
Mr. James Schmidt, DAG, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the amended agenda.

DEISHER/O'BRIEN
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 15, 2013 MEETING OF THE BOARD

A motion was made and seconded to adopt the amended minutes from the February 15, 2013 Board meeting.

DEISHER/O'BRIEN
Motion carried 5-0-0

IV. PRESENTATION: JENNIFER BRIGGS, INCPAS, SENIOR VICE PRESIDENT & KENT WILLIAMS, CPA, CGMA, INCPAS, VICE CHAIR PRESENT *THE FUTURE OF COMPETENCY WHITE PAPER*

This presentation was intended to begin the dialogue between INCPAS and the Board to begin facilitating evolved thinking regarding the future of professional education.

V. ADMINISTRATIVE HEARINGS

A. In the Matter of the Unlicensed Practice of M. Sue Krebs
Re: Default Hearing
Cause No.: IBA 13-05

Respondent is not present or represented by counsel.

Mr. Joe Basile is present to represent the State of Indiana. Mr. James Schmidt is present to advise the Board.

Mr. Don Brooks, investigator with the Office of the Attorney General, is sworn as a witness.

Ms. Brandy Bradley is the designated court reporter.

Participating Board Members:

Ms. Johnson (Hearing Officer)

Mr. Coy

Mr. Deisher

Mr. Kane

Mr. O'Brien

Mr. Holt

The state requests the Board find the respondent in default.

A motion was made and seconded to find the respondent, M. Sue Krebs, in default.

HOLT/KANE

Motion carried 6-0-0

Mr. Basile presented three exhibits to the Board. Each of these exhibits demonstrated where Ms. Krebs had been holding herself out as a CPA while seeking employment. The state requested the Board issue a cease and desist order and requested a civil penalty be imposed if appropriate.

A motion was made and seconded to issue a cease and desist order and impose a civil penalty of twenty-five thousand (\$25,000) dollars to be paid within 21 days of the order.

HOLT/DEISHER

Motion carried 6-0-0

VI. PERSONAL APPEARANCE

A. Jeffrey Wheeler

Re: Reinstatement Application

License No.: CP19500559

Mr. Wheeler made a personal appearance to explain his work history since allowing his license to expire. He informed the Board that recently he has been assisting a neighbor, who is a licensed CPA, during tax season. He has helped to prepare 1040's, but did not sign as the tax preparer. He plans to continue this work part-time while running his own storage company business.

A motion was made and seconded to approve active license reinstatement for Mr. Jeffrey Wheeler.

HOLT/DEISHER

Motion carried 6-0-0

B. Lynn Suzanne Skochdopole

Re: Reinstatement Application

License No.: CP19300578

Ms. Skochdopole made a personal appearance to explain the “accounting business” she runs. She informed the Board that she has been helping the elderly with bookkeeping work. She inputs some items into QuickBooks to generate basic reports for family of these elderly individuals. She requested inactive status to have credentials to show to gain the trust of clientele.

A motion was made and seconded to approve inactive license reinstatement for Ms. Lynn Suzanne Skochdopole.

HOLT/DEISHER

Motion carried 5-1-0

Mr. Kane opposed the motion.

C. Steve Haworth, CPA

Re: Discussion of Peer Review Requirements for Firms

Mr. Haworth presented to the Board information on law changes from 2001 that he felt exempted him from a peer review. He explained that he as an individual offers compilations, but not as a corporation. He feels that the definition of a compilation is in question.

VII. APPLICATION REVIEW

A. Application for Certification with a Positive Response

Morris, Keenithy Lewis

A motion was made and seconded to approve license issuance to Keenithy Lewis Morris.

HOLT/DEISHER

Motion carried 6-0-0

B. Application for Certification via Reciprocity from a Non-Substantially Equivalent State:

Heckler, Buffy Lee – Colorado

A motion was made and seconded to approve license issuance to Buffy Lee Heckler.

HOLT/O'BRIEN

Motion carried 6-0-0

Kershner, Kelly Elizabeth – Colorado

A motion was made and seconded to deny license issuance to Kelly Elizabeth Kershner.

HOLT/O'BRIEN

Motion carried 6-0-0

C. Applications for Certification as a Certified Public Accountant via Transfer of Grades:

A motion was made and seconded to approve the following applications for certification via transfer of grades.

- i. Bosilevac, Frederick Nicholas III
- ii. Meunier, Hannah
- iii. Miller, Robert Dean
- iv. Shaw, Stephanie Louise

HOLT/KANE

Motion carried 6-0-0

D. Application for Renewal of Lapsed Certificate:

A motion was made and seconded to approve the following applications for active reinstatement of an expired license.

- a. Agee, Lloyd R. (CP10000333)
- b. Bailey, Darren R. (CP19300080)
- c. Finster, Susan M. (CP11100404)
- d. John, Mark A (CP18602442)
- e. Jones, Eric Carlyle (CP19100310)
- f. Keller, Lynn Marie (CP10600309)
- g. Klinger, George Edward (PA00018360)
- h. Painter, Elizabeth Anne (CP10100190)
- i. Schwarz, Kenneth D. (CP18551839)

HOLT/O'BRIEN

Motion carried 6-0-0

A motion was made and seconded to approve the following applications for inactive reinstatement of an expired license.

- j. Abshire, Allen (CP19000247)
- k. Baker, Dorice Ann (CP10000572)
- l. Onopa, Lisa A. (CP19600013)
- m. Wang, Chen-Cheng (CP11000183)

HOLT/DEISHER

Motion carried 6-0-0

VIII. NOTICES OF NON-COMPLIANCE

A. RECOMMENDATION: Civil Penalty - \$100

Fillenwarth, Steven Francis

A motion was made and seconded to rescind the notice of noncompliance for Steven Francis Fillenwarth and issue a new notice of noncompliance placing the license on conditional status pending the completion of seven (7) hours of CPE and payment of a one hundred (\$100) dollar civil penalty.

HOLT/DEISHER

Motion carried 6-0-0

Snyder, Celisa

A motion was made and seconded to rescind the notice of noncompliance for Celisa Snyder and issue a new notice of noncompliance placing the license on conditional status pending the completion of eight and a half (8.5) hours of CPE and payment of a one hundred (\$100) dollar civil penalty.

HOLT/DEISHER

Motion carried 6-0-0

B. RECOMMENDATION: Civil Penalty \$101 - \$1,000

Hartman (Dunlap), Kimberly Sue

A motion was made and seconded to rescind the notice of noncompliance for Kimberly Sue Hartman (Dunlap) and issue a new notice of noncompliance placing the license on conditional status pending the completion of twelve and a half (12.5) hours of CPE and payment of a four hundred and fifty (\$450) dollar civil penalty.

HOLT/ O'BRIEN
Motion carried 6-0-0

Johnson, Debra

A motion was made and seconded to rescind the previous Board decision and issue a notice of noncompliance placing the license on conditional status pending the completion of twenty-five and a half (25.5) hours of CPE and payment of a five hundred and ten (\$510) dollar civil penalty.

HOLT/DEISHER
Motion carried 6-0-0

C. RECOMMENDATION: Civil Penalty \$5,000

Maynard, Bradley

A motion was made and seconded to find Bradley Maynard in noncompliance. His license shall be placed on conditional status pending the completion of one hundred and eighty (180) hours of CPE with no more than sixty (60) hours in self study of which four (4) hours are in the subject matter of ethics and twelve (12) hours are in the subject matter of accounting and auditing and payment of a five thousand dollar (\$5,000) civil penalty.

HOLT/DEISHER
Motion carried 6-0-0

Roemer, Mary Catherine

A motion was made and seconded to find Mary Catherine Roemer in noncompliance. Her license shall be placed on conditional status pending the completion of eighty-five and a half (85.5) hours of CPE with no more than sixty (60) hours in self study and payment of a three thousand and eighty-five dollar (\$3,085) civil penalty.

HOLT/DEISHER
Motion carried 6-0-0

D. Petitions for Review: RECOMMENDATION: Schedule for a Hearing

Seale, Joel Scott

A motion was made and seconded to grant Joel Scott Seale's petition for review with Board member Jamie O'Brien appointed to preside over these hearings as the administrative law judge with all other Board members as alternatives.

HOLT/KANE
Motion carried 6-0-0

E. Petitions for Review: RECOMMENDATION: Grant Request - No Hearing Required

A motion was made and seconded to rescind the notice of noncompliance and find the petition for review moot for each of the following individuals.

- i. Dibley, Anthony
- ii. Light, Deborah
- iii. Paszt, Laura

HOLT/O'BRIEN
Motion carried 6-0-0

F. Failure to Respond to Notice of Noncompliance

A motion was made and seconded to suspend the following individual's license.

- i. Ashby, Christopher Thomas
- ii. Gemmecke, Judith Irene
- iii. Gentles, Gary Glen
- iv. Khan, Shahiryar I.
- v. Lawrence, Christopher
- vi. Rutherford, Daniel L.
- vii. Stevens, Richard K.

HOLT/O'BRIEN

Motion carried 6-0-0

The following notices will be sent using the guidelines defined by IC 1-1-7-1(b) outlining the procedure for returned mail.

- viii. Cates, Michael David
- ix. Schuttler, Lisa Ann
- x. Smith, Arthur L, II

G. Response Acquiescing to Suspension

Hite, Mark Allen

A motion was made and seconded to suspend the license of Mark Allen Hite for failure to comply with the issued notice of non-compliance.

HOLT/O'BRIEN

Motion carried 6-0-0

H. Withdrawals of Petition for Review

A motion was made and seconded to accept the following individuals withdraw of a petition for review.

- i. Brewster, Cathy
- ii. Hall, Tamara E.
- iii. Lee, Gerald M.
- iv. Slavens, Kathryn Denise
- v. Yuska Snell, Karren

HOLT/O'BRIEN

Motion carried 6-0-0

IX. OLD/NEW BUSINESS

A. CPE Audit

Pierce, Teresa

A motion was made and seconded to table the decision until a half hour of ethics can be confirmed by the CPE provider.

HOLT/KANE

Motion carried 6-0-0

B. CPE Hardship Waiver Request

Doggett, Doris

A motion was made and seconded to grant the exemption waiving the fifty percent (50%) self study limit through the current reporting period ending in December 2014.

HOLT/O'BRIEN
Motion carried 6-0-0

Ward, James F.

A motion was made and seconded to grant the exemption waiving the fifty percent (50%) self study limit through the current reporting period ending in December 2014.

HOLT/DEISHER
Motion carried 5-0-0 Mr. O'Brien recused.

C. In the Matter of the License of Bret A. Pryor

Re: Proposed Settlement
Cause No.: IBA 13-62
License No.: CP19800061

A motion was made and seconded to accept the proposed settlement for Bret A. Pryor.

HOLT/DEISHER
Motion carried 5-0-0

X. DISCUSSION

A. Transfer of Grades Letter from Kyle Wagers

The Board discussed Mr. Wagers request that his 620+ GMAT score be accepted as an alternate to the 150 hour requirement as a transfer of grades candidate. The Board chose not to accept the alternative and intends to continue requiring 150 credit hours for transfer of grades candidates.

B. Definition of "Financial Statement"

Mr. Kane presented this topic to begin discussion of the Board stance on this issue. The Board members intend to begin researching the Uniform Accountancy Act approach and that of other states to facilitate a discussion at the next meeting.

C. NASBA – Committee Interest Request

XI. STANDING REPORTS

A. Board Liaison to the Attorney General's Office – John Kane

Mr. Kane told the Board of a settlement conference held.

B. Indiana Professional Licensing Agency –Kate Lowhorn

Mrs. Lowhorn discussed a meeting between the Board and the IPLA Executive Director Mr. Virgil Madden prior to the next meeting.

Mrs. Lowhorn discussed the possibility of the October meeting being held on the Notre Dame campus and requested that Board members show interest. It was decided that the final determination regarding this would be decided by the July meeting.

C. Compliance Director Update- Brian Cusimano

Mr. Cusimano informed the Board of recent work performing audits of renewal responses using public records. It was decided that he would pursue those that falsified answers on the 2009 and 2012 renewals.

D. Advisory Counsel – Jim Schmidt

No comments.

E. Office of the Attorney General

Mr. Basile presented the Attorney General Consumer Complaint report. This report will be available to the public on the Board of Accountancy website.

XV. ADJOURNMENT

There being no further business and having completed its duties, a motion was made and seconded to adjourn the meeting of the Indiana Board of Accountancy.

The meeting adjourned at 1:05pm.

Next Scheduled Meeting:
May 17, 2013
Indiana Professional Licensing Agency
402 W. Washington St., Room W064
Indianapolis, IN 46204